

ORIGINAL

③ 6/6/01  
FILED  
HARRISBURG

JUN 05 2001

MARY E. D'ANDREA CLERK  
Per. *[Signature]*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH FIDTLER,

Plaintiff,

v.

PA DEPARTMENT OF CORRECTIONS,  
CHARLES STROUP, KAREN RODGERS,  
CHARLES MCCLOSKEY, and  
RAY SMITH,

Defendants

Civil Action No. 1:CV-01-0955

(Judge Kane)

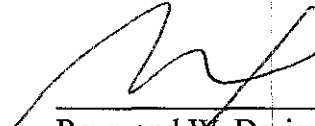
(Magistrate Judge Smyser) ✓

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants, Pa. Department of Corrections, et al., by and through their attorney, Raymond W. Dorian, Assistant Counsel for the Pennsylvania Department of Corrections, hereby move this Court, pursuant to Fed.R.Civ.P. 12(b)(6), to dismiss the Plaintiff's complaint against them for failure to state a claim upon which relief may be granted and for such other grounds as set forth in the supporting brief.

**WHEREFORE**, the Defendants respectfully request that the Plaintiff's Complaint be dismissed with prejudice.

Respectfully submitted,



Raymond W. Dorian  
Assistant Counsel  
Attorney I.D. No. 48148

PA Department of Corrections  
Office of Chief Counsel  
55 Utley Drive  
Camp Hill, PA 17011  
(717) 731-0444

Dated: June 5, 2001

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH FIDTLER,

Plaintiff,

v.

PA DEPARTMENT OF CORRECTIONS,  
CHARLES STROUP, KAREN RODGERS,  
CHARLES MCCLOSKEY, and  
RAY SMITH,

Defendants

Civil Action No. 1:CV-01-0955

(Judge Kane)

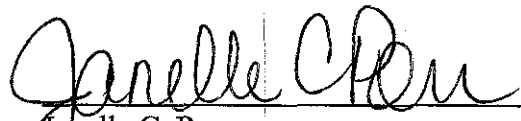
(Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendants' Motion to Dismiss Plaintiff's Complaint upon the person(s) and in the manner indicated below.

Service by first-class mail  
addressed as follows:

Joseph Fidler, CD-2250  
SCI-Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1020

  
Janelle C. Porr  
Clerk Typist 2

PA Department of Corrections  
Office of Chief Counsel  
55 Utley Drive  
Camp Hill, PA 17011  
(717) 731-044

Dated: June 5, 2001